

1 Christopher F. Stoll (SBN 179046)
Esta L. Brand (SBN 83329)
2 HELLER EHRMAN LLP
333 Bush Street
3 San Francisco, CA 94104-2878
Telephone: +1.415.772.6000
4 Facsimile: +1.415.772.6268
E-Mail: esta.brand@hellerehrman.com

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5 Timothy D. McMichael (admitted *pro hac vice*)
6 HELLER EHRMAN LLP
701 Fifth Avenue, Suite 6100
7 Seattle, WA 98104-7098
Telephone: +1.206.447.0900
8 Facsimile: +1.206.447.0849
Email: timothy.mcmichael@hellerehrman.com

9 Attorneys for PLAINTIFF
10 SYSTEMS AMERICA, INC.

11 Jess B. Millikan (SBN 095540)
E-mail: jess.millikan@bullivant.com
12 Kevin M. (Casey) Christensen (SBN 168119)
E-mail: casey.christensen@bullivant.com
13 BULLIVANT HOUSER BAILEY PC
601 California Street, Suite 1800
14 San Francisco, CA 94108
Telephone: +1.415.352.2700
15 Facsimile: +1.415.352.2701

16 Attorneys for DEFENDANTS
St. Paul Mercury Insurance Company
17 And St. Paul Travelers Companies, Inc.
(erroneously sued as "The St. Paul Travelers
18 Company, Inc.")

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 SYSTEMS AMERICA, INC., a Delaware
23 Corporation,
24 Plaintiff,

25 v.

26 THE ST. PAUL TRAVELERS COMPANY,
INC., a Minnesota corporation, and ST. PAUL
27 MERCURY INSURANCE COMPANY, a
Minnesota corporation,

28 Defendants.

Case No.: C-05-02499 JF

**STIPULATION AND [PROPOSED]
ORDER SELECTING ADR
PROCESS**

The Honorable Jeremy Fogel

1 Counsel report that they have met and conferred regarding ADR and have reached
2 the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

3 The parties agree to participate in the following ADR process:

4 **Private Process:**

5 Private ADR/mediation with a provider to be determined.

6 The parties agree to exercise best efforts to hold the ADR session by April 30, 2006.
7 The parties believe that pre-mediation discovery will be necessary prior to a meaningful
8 mediation, and agree to cooperate so that such discovery is completed prior to the above
9 deadline. The parties also agree to meet and confer and cooperate should it prove necessary
10 to seek the Court's approval to move the above deadline forward given the progress of
11 discovery over the next several months.

12 Dated: October 7, 2005

HELLER EHRMAN LLP

13
14 By 

for Esta L. Brand

15
16 Attorneys for Plaintiff
SYSTEMS AMERICA, INC.

17 I hereby attest that I have been authorized by Esta L.
18 Brand to execute on her behalf this Stipulation And
19 [Proposed] Order Selecting ADR Process and that this
20 attestation is executed this 7th day of October, 2005, at
San Francisco, California.

21
22 By 

Kevin M. Christensen

23 Dated: October 7, 2005

BULLIVANT HOUSER BAILEY PC

24
25 By 

Kevin M. Christensen

26
27 Attorneys for Defendants
28 ST. PAUL MERCURY INSURANCE COMPANY
AND ST. PAUL TRAVELERS COMPANIES, INC.

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Private mediation

Deadline for ADR session:

April 30, 2006.

Dated: 10/11/05

Jeremy Fogel /s/electronic signature authorized
UNITED STATES DISTRICT COURT JUDGE